

REMARKS

Claims 1-29 are pending and finally stand rejected. Claims 1-3, 12 and 21 have been amended, and new Claim 30 has been submitted for consideration by the Examiner. Applicants respectfully request reconsideration and allowance of the instant application.

The rejection of Claims 1 and 5 under 35 U.S.C. 102(b) as being anticipated by Larsen (U.S.P.N. 6,419,305B1), is respectfully traversed. Applicants reserve the right to challenge Larsen as being prior art to the instant invention.

Larsen discloses a pillar reinforcement system that is inserted into the pillar (e.g., refer to Col. 4, Lines 1-15 and Lines 25-35 of Larsen). As illustrated in Figure 5 of Larsen, the heat expandable material 16 does not extend around a periphery of the pillar reinforcement. For these reasons, Larsen does not disclose each and every aspect of Claims 1 and 5 and, therefore, cannot anticipate these claims.

The rejection of Claims 1, 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Takabatake (U.S.P.N. 5,642,914), is respectfully traversed.

Takabatake discloses a support structure for supporting a foamable material within (not between) hollow structural members (e.g., refer to Col. 1, Lines 10-17 and Lines 62-68 of Takabatake). As illustrated in Figures 1 and 2 of Takabatake, the foamable 21 does not extend around a periphery of the carrier. That is, the material 21 does not extend into Takabatake's welding area 36. For these reasons, Takabatake fails to establish a prima facie obviousness against Claims 1, 3 and 4.

The rejection of Claim 8 under 35 U.S.C. 103(a) as being unpatentable over Larsen (U.S.P.N. 6,419,305B1), is respectfully traversed.

As recognized by the Office Action, Larsen fails to disclose using PET as the claimed tub material. Applicants respectfully submit that the absence of a claimed limitation is an indicia of unobviousness and not properly dismissed. Reference to Applicant's Detailed Description is improper. In any event, the fact that PET is known to exist does not automatically mean that it is obvious to use PET for the inventive tub. Accordingly, Applicants respectfully request withdrawal of this rejection.

The rejection of Claims 2, 3, 6, 7, 9-12, 14-16 and 18-29 under 35 U.S.C. 103(a) as being unpatentable over Yamamuro (U.S.P.N. 5,829,824) and Larsen (U.S.P.N. 6,419,305), is respectfully traversed. Applicants reserve the right to challenge Larsen as being prior art to the claimed invention. It is noted that Walser is not an applied reference.

Yamamuro discloses a vehicle body structure and mounting method. The structure has a specific design which is achieved by bolts and welding the components together. Yamamuro lacks any indication that a sealant or other member is to be inserted between the welded areas.

Larsen relates to a sealant that is inserted within or into certain automotive cavities (i.e., not between the components of Yamamuro). The welds of Yamamuro lack any cavities into which a sealant can be inserted (e.g., there are no gaps between the welds into which a cavity can be inserted). Moreover, there is no teaching in these references that suggest modifying the welded structure of Yamamuro to accept Larsen's sealant. Indeed, inserting the sealant of Larsen between the components of Yamamuro is contrary to specific design employed by Yamamuro. Further, Yamamuro is concerned with the lower portion of an automobile whereas Larsen is concerned with cavities in the upper portion of the automobile (e.g., refer to Col. 2, Lines 10-20 of Yamamuro and Col. 1, Lines 13-18 of Larsen). While properly combined references are available for what they would suggest to those of ordinary skill in the art, the Office must first establish that there is motivation to combine references. The structural modifications required by combining Larsen and Yamamuro (i.e., inserting the sealant of Larsen between Yamamuro's structural members), would render Yamamuro unsatisfactory for its intended purpose (e.g., refer to MPEP 2143.01). Applicants, therefore, respectfully submit that a skilled person in this art would lack the requisite motivation to combine these references and if such motivation existed, the combination is improper since modifying the welded structure of Yamamuro to accept a sealant is contrary to the purpose of Yamamuro's invention.

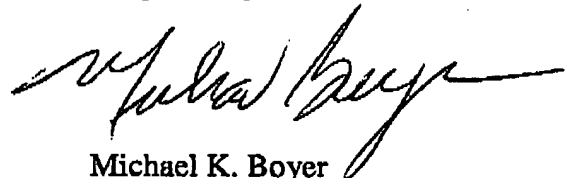
Assuming *arguendo* that there is motivation to properly combine Yamamuro and Larsen, the combination fails to disclose the claimed sealant located between the floor pan and two other automotive components as recited in Claim 21.

The rejection of Claims 12-29 under 35 U.S.C. 103(a) as being unpatentable over Yamamuro (U.S.P.N. 5,829,824), Takabatake (U.S.P.N. 5,642,914) in view of Larsen (U.S.P.N.6,419,305), is respectfully traversed. It is noted that neither Walser nor Hanley '260 are applied references.

Larsen, Yamamuro, and Takabatake contain the aforementioned deficiencies. These deficiencies are not remedied by Larsen. Larsen relates to a an internal sealant for cavities not disclosed by Yamamuro or Takabatake. The Office Action fails to provide the proper motivation to combine Yamamuro, Takabatake and Larsen. Assuming *arguendo* that these references are properly combined, Larsen fails to disclose, teach or suggest a sealant between an automotive floor pan and other adjacent components. Accordingly, the combination cannot render the claimed invention obvious.

Please find attached hereto a Petition For a Three Month Extension of Time. Should there be any other fee due in connection with this application, please charge the same to Deposit Account No. 15-0680. Applicants believe that the pending claims define patentable subject matter and respectfully request issuance of a Notice of Allowability. Should the Examiner deem that any further action on the part of Applicant would advance prosecution, the Examiner is invited to telephone Applicants' attorney.

Respectfully Submitted,



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Encl.: Certificate of Facsimile Transmission
Petition For An Extension of Time
Request For Continued Examination Transmittal

PTO/SB/22 (10-04)
Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)	
FY 2005 (fees effective on or after October 1, 2004)		0300804-1	
Application Number <u>09/991,016</u>		Filed <u>11/16/2001</u>	
For <u>CAVITY SEALANT</u>			
Art Unit <u>3676</u>		Examiner <u>PICKARD</u>	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$110	\$55	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$430	\$215	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$980	\$490	\$ <u>980</u>
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1530	\$765	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2080	\$1040	\$ _____

☐ Applicant claims small entity status. See 37 CFR 1.27.
☐ A check in the amount of the fee is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 15-0680. I have enclosed a duplicate copy of this sheet.


WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 33,085

☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____



MICHAEL K BOYER
Typed or printed name

OCTOBER 06, 2004

Date

6602694536

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/30 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/991,016
Filing Date	NOVEMBER 16, 2001
First Named Inventor	KOBMANN
Art Unit	3678
Examiner Name	PICKARD
Attorney Docket Number	OB008DH-1

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

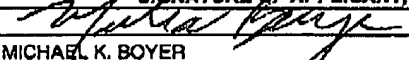
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 15-0680. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

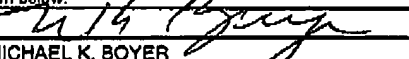
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	OCTOBER 06, 2004
Name (Print/Type)	MICHAEL K. BOYER	Registration No.	33,085

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	OCTOBER 06, 2004
Name (Print/Type)	MICHAEL K. BOYER		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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